

25th April 1947]

III.—GOVERNMENT BILLS.

- (1) THE MADRAS CITY MUNICIPAL (SECOND AMENDMENT) BILL, 1947
(L.A. BILL NO. 5 OF 1947).

THE HON. SRI K. CHANDRAMOULI :—“ Mr. President, Sir, I beg to move—

that the Madras City Municipal (Second Amendment) Bill, 1947, as passed by the Assembly be taken into consideration.

The objects and the reasons stated in the Bill are quite clear and a similar Bill has already been taken up here. So, I do not want to take much of the time of the House. What was proposed in the other Bill is generally applied in this Bill also. But there are certain changes and they are intended to carry out the proper directions of the Madras City Corporation. The first change that was made is about the several areas that have been newly brought into the City limits. These are Amjikarai and Sembiam panchayats, the Saidapet Municipality including fourteen villages and portions of Velacheri panchayat area and Chingleput District Board. Also some of the existing divisions in the City Corporation have been found unwieldy and as such, instead of forty divisions that exist now, fifty divisions have been proposed and also the strength of the Corporation has been increased to 85. Sir, another reason for this amending Bill is that certain other additions have been in the number of seats owing to reservation of certain seats. Hitherto, there has been no reservation for women, Indian Christians and Muslims under the previous Act. So, to bring these classes also in line with Scheduled classes and others, reservation of seats have been made for these communities. Again, hitherto Labour was given only two seats. Now two more seats have been added to Labour.

“ Sir, there is one point upon which I want to say something. There was a certain amount of criticism by certain sections of the people as regards the increase of reservation of seats for women from three to four. I do not want to claim any magnanimity by increasing the number of seats for women. I do not also want to claim any credit for that. But, I can say that it is a step in the right direction however tardy it may be. I expect that the matter should be taken in the spirit in which it was moved.

“ Sir, there is also another side of criticism that is levelled against the reservation of seats for the several members separately. There was already reservation of seats for the South Indian Chamber of Commerce, and there was already reservation of seats separately for the Madras Chamber of Commerce and the Madras Trades Association. I find nothing wrong in giving separate representation for the trade because it is one of the important items which affects the civic life of the people. Sir, hitherto, two seats were reserved for Railways. But, since the Railways have now

[Sri K. Chandramouli]

[25th April 1947]

been nationalized, it is considered that it is no longer necessary to provide for their representation in the Council. As far as other items are concerned, I think the Bill itself is self-explanatory and I request the House to accept the Bill."

MR. PRESIDENT :—" The motion is that the Bill further to amend the Madras City Municipal Act, 1919 (L.A. Bill No. 4 of 1947) as passed by the Assembly, be taken into consideration at once. In view of what I have stated previously, I hope hon. Members will be as brief as possible."

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" We are always in that unfortunate position."

* DR. V. K. JOHN :—" Mr. President, Sir, I cannot congratulate the Ministry on introducing this Bill. It has no principle nor is there any broad policy on which it is based. In certain respects, it is retrograde. Before I pass on to the general provisions of this Bill, I ask leave to make a general remark on the introduction of Bills like this and the procedure adopted in introducing Bills by Members of the Government amending previous Acts. They do not supply the relevant sections of the previous Acts to the Members of the House. They do not print the original sections on one side and the amendments on the other. It would be very helpful to Members if old sections were printed on one side and the proposed amendments on the other so that Members may know clearly what the old sections are and what the new amendments are. When an amending Bill comes up for discussion, Members have to study the previous Acts and some of them are not obtainable. Fortunately, as a lawyer, I am able to get at the volumes and able to study the sections. But there are some hon. Members who may not be in the same position. So, I want to ask you, Mr. President, to give a direction to the Government that whenever they bring in an amending Bill, they should print the sections of the existing Act on the one side and the amended sections on the other side for the information of the hon. Members."

* MR. PRESIDENT :—" I have no objection to do this. But, does the hon. Member think that printing of isolated sections or part of sections will be helpful to hon. Members? I think it would be possible for hon. Members to get possession of the relevant Acts whenever necessary."

* DR. V. K. JOHN :—" I would suggest that a large number of copies of the amended Acts may be made available to the hon. Members, if required. Unless the copies of the old sections of the Act which are amended are placed on the table of the House, it would not be possible for any hon. Member to follow the proceedings. That is my submission, Sir."

4 p.m. " Now, Sir, having said that, I want to say that the Hon. Ministers do not seem to have studied the purpose of the City Municipal Act. They propose to raise the number of seats in the

25th April 1947]

[Dr. V. K. John]

City Council from 65 to 85. Now, the City Council is not merely a deliberative or legislative body, but it has also executive functions. For instance, it makes appointments, it enters into contracts, it approves of the defence of proceedings in courts and has other various matters to attend to. Now, to increase the strength of the Council to 85 and make it a huge body is not conducive to the easy or convenient discharge of the duties enjoined upon it by the City Municipal Act. Therefore, I think it is a great mistake to have increased the number of members from 65 to 85; on the other hand, they should have reduced the number and clubbed together many of the divisions so that they might be able to create a Council to discharge its duties and responsibilities given to it under the City Municipal Act. If only the Hon. Ministers had taken the trouble of carefully studying the provisions of the City Municipal Act they would never have dreamt of increasing the number to 85.

" Now, under the City Municipal Act there are three authorities for executing many of the provisions of the Act; one is the Council, the other is the Standing Committee and then the Commissioner; and one of the authorities being the Council, it should not be so huge a body for carrying out the executive functions under the Act.

" Then there is also no appreciation of the functions of the Corporation and if they had some idea of the functions of the Corporation they would not have treated it a museum of communities of men and women. Schedule V of the City Municipal Act enumerates the various functions which are entrusted to the Corporation of Madras and for which the Corporation may incur expenditure. You will find that the Corporation is charged with the responsibility of providing for public health, public convenience, amenities and education. Sir, it is permitted to incur expenditure connected with public safety, public convenience, amenities, education, etc., for the lighting of public streets, extinction of fires, for the construction and maintenance and alteration of buildings, running transport services, maintenance of public libraries, reading rooms, waiting places, construction and maintenance of schools for primary education, training of teachers, rest-houses, choultries, maternity and child-welfare and rescue homes. These are the duties which the Corporation is charged to perform for the safety, health and amenities of the public. Now, if the Hon. Ministers had carefully studied the functions of the Corporation then they should not only have given representation to the various territorial divisions, they would have not only have a few councillors for what you call territorial representation, but they would have provided for persons who supplement the services which the Corporation is expected to do. For instance, they would have given representation to owners of public halls and theatres, of transport services, dairies, public bakeries, and those connected with public utility services, public libraries, reading rooms, museums, art galleries, public baths and bathing places and also given representation to those who have constructed and are maintaining schools for primary education

[Dr. V. K. John]

[25th April 1947]

and for training of teachers and those who have constructed rest houses, alms houses, poor homes and those conducting maternity the child welfare centres and rescue homes. Sir, there are a large number of hospitals run by private persons and also nursing homes run by private persons. Now, Sir, representation should have been given to doctors who are running nursing homes and conducting primary, secondary and high schools and to persons maintaining rescue homes, maternity and child welfare centres. Instead of doing this, what they have done is they have given representation to various communities, Muslims, Indian Christians, Anglo-Indians and Scheduled Castes. They have also provided for representation to Chambers of Commerce, the Andhra Chamber of Commerce, the Muslim Chamber of Commerce and the Nattukottai Nagarathars' Association. I suggest, Sir, that none of those for whom they have given representation on the Council is rendering any service or any function which the City Municipal Act charges the Corporation to do or discharge. The best way of given representation would have been quite different if they had carefully studied all the functions and responsible duties which the City Corporation is expected to discharge under the Act. Then they would never have thought of giving representation to various persons in the amending Act and even under the old Act. It is callous on the part of the Ministers not to have studied the Act since they have not given representation to those who are supplementing the services which the Corporation is expected to do. These services are mentioned in Schedule V.

"Now, Sir, in giving representation to communities, I see the Ministers have not got a mind of their own. If they had a mind of their own, they should not think in 1947 of communal representation in local bodies. Once we start with this, we are finished. We should always look forward to a future in which all of us would feel that we are not members of particular communities but citizens of Madras and not Muslims, Indian Christians, Scheduled Castes or others. Now, Sir, what did they do even in regard to giving this representation. This would have been evident if sections sought to be amended were printed side by side. Section 46-A of the Act provided for effective representation for the Scheduled Castes, if such representation was found to be necessary. Section 46-A says :

"In each of the three divisions in which a seat is reserved for members of the Scheduled Castes the electors of such castes voting separately from the other electors, shall elect a councillor who shall be a member of any such caste to fill the seat so reserved, while all the electors including the electors of such castes jointly shall elect a councillor to fill the other seat. In each of the remaining divisions, all the voters in the division voting jointly shall elect a councillor."

Sir, one seat is to be filled by the exclusive vote of the members of the scheduled castes. Now, they have changed it. They say, we give you not one seat, but five seats but who are the electors. The Congress vehemently protested when the Executive Councillors were previously nominated to the Government of India by the

25th April 1947]

[Dr. V. K. John]

British Government and although the British Government claimed that they had Indians on the Executive Council, the Congress Leaders said, though they were nominally Indians, they were the nominees of the British Government, that the British Government had confidence in them, that the Indians had no confidence in them and therefore it was immaterial whether they were Indians or not and that sometimes they were worse than Europeans. Now, what is the Congress Government doing with regard to these representations here. They say we will give so many seats to Muslims, although Muslims could get into the Council because there are various divisions in the City in which there are more Muslims than non-Muslims. They say, we will reserve five seats for the Scheduled Castes. How? They cannot elect their own representatives at all. There is not even a provision that they will be elected from a panel selected by the various communities. I say this is a camouflage which even a child can see. I am surprised how Hon. Ministers who are certainly intelligent gentlemen could provide for such representation for minorities. You are providing for the representation of minorities, but the Hindus, the major community, will elect the minority representatives. I say it is not representation at all. I am not, of course, pleading for representation of this or that community. I say there should not be representation of any minority community in the Council. If the Government consider that representation is required, you may do so, but do not say, we give you representation but we elect our nominees as your representatives. They will mean representation for the majority community by persons calling themselves Scheduled Caste, Muslim, Anglo-Indian and Indian Christian. I, therefore, say that the provisions of this Bill are retrograde and it is nothing but a camouflage. The only motive for increasing the number of representatives of the minorities is to ask the minorities boldly, if you want to get into the City Corporation, you should become Congressmen; otherwise you members of the minority communities can never get into the Corporation where the majority, the Hindus, will be Congressmen. You will be only putting dummies . . .

MR. PRESIDENT :—“ May I know whether the hon. Member has any brief from the hon. Member, Mr. Jagannatham. He is so very jubilant over the speech.”

* DR. V. K. JOHN :—“ No, Sir. I did not look behind, for I have no eyes on my back, but I am only pointing out an intelligent conception of what will be the result of this amending Bill. You want a principle; you want a broad policy in regard to this matter. Instead, the Congress Government are saying, we are amending the Bill in order to give more representation. It amounts to this, they are providing for representation with one hand and with the other they are taking it away by saying they should be their representatives in whom they have confidence and not men in whom we have confidence. I do not know whether it

[Dr. V. K. John]

[25th April 1947]

4-18
p.m.

would be unparliamentary if I say, when you provide for one thing you really provide for the opposite. The real effect of the Bill is, they are not providing for the representation of minorities but they are providing for special representation of the majority community. They want some more seats for themselves and they want to put in their dummies. Sir, in the City Municipal Council we need not necessarily have been belonging to particular communities and ladies.

"In section 5, there is provision for one woman. Now we have four plus one of the other sex in the Council. Now, Sir, there is nothing in the functions of the Council which a lady must attend to. It is quite true that in a House of 85 or 65 or less if there are young ladies, fair ladies dressed well, it may remove the monotony of the business in the House. We may be looking at them. I do not understand, Sir, why the Congress Government should feel that they must raise the number of Muslims, Christians, and raise the number of Scheduled Castes and then provide for the fair sex as well. I find nothing in the City Municipal Act which necessitates the presence of ladies, Sir."

MR. PRESIDENT :—"Does the hon. Member feel that the City is populated only by men?"

* DR. V. K. JOHN :—"No, Sir, we want the best available men and women in the City Corporation. If there is really a woman coming up to the front, she will certainly be returned by men, I say, Sir, not only the Members of the Government but the voters are also generous and chivalrous. When an honourable and a competent lady stands for election to the City Municipal Council, they will elect her. But, suppose, Sir, they are incompetent, do we want five women merely because they are women? Are they providing for competent ladies who can get in as Muslims, as Indian Christians and Scheduled Castes? If such ladies are forthcoming and will help us in our work we must elect them."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—"On a point of information, Sir, the hon. Member wanted occupational representation and pleaded for it eloquently and now that he does not want a lady, does it mean that the occupation of child-welfare and maternity should be taken up by men?"

* DR. V. K. JOHN :—"Sir, I suggested that persons who are responsible for child-welfare and maternity should be represented. Ladies may come naturally in such a case but in such a case she may not come in merely as a woman."

MR. PRESIDENT :—"I am afraid the hon. Member has raised a number of foes in this House and he should give them an opportunity."

25th April 1947]

* DR. V. K. JOHN :—“ Only one word I should like to say is about clauses 13 and 14. Sir, I thought the present Ministry will be a little different from the old Ministry. Every time, they come forward with two provisions in every Bill. Clause 13 says—

“ If any difficulty arises in giving effect to the provisions of the said Act as amended by this Act, the Provincial Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.”

I suggest, Sir, that it is a very undesirable provision in an Act to give the executive, wide and arbitrary powers to remove difficulties which arise by executive orders. Why cannot the Legislature be consulted? Do the Government want us to abdicate our functions? Sir, if there are any difficulties why not bring them before the House when we can pass a resolution or pass an amendment. Now, Sir, about the removal of doubts. I do not know who the draftsman of these is. For removal of difficulties an executive order can be passed but for the removal of doubts it is not the case. There is some other procedure. Sir, this House should not be a party to clauses 13 and 14.”

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, I had no intention to speak on the first reading of this Bill.”

MR. PRESIDENT :—“ I am sorry you got the intention subsequently.”

* SRI R. SURYANARAYANA RAO :—“ After hearing the hon. Dr. John, I feel, Sir, even Dr. John is infectious when he begins to talk. As it so often happens every one of us on this side like to say something though at the time before he began his speech nobody thought of saying anything.”

MR. PRESIDENT :—“ It is a great compliment to Dr. John.”

* SRI R. SURYANARAYANA RAO :—“ I am very glad to find the Hon. Daniel Thomas in the House because, Sir, he is practically the author of this Bill. It will enable us to get some explanation for some of the provisions he has introduced. Sir, the main object of this Bill I take it is as the limits of the City have been extended adequate provision should be made for representation for these extended limits but if the Hon. Minister had contented himself with that and had introduced or changed the figures wherever they are necessary and introduced the Bill, perhaps, Sir, there would have been no cause even for my hon. Friends of the Muslim League to take exception to that. But I think, Sir, the Government have gone out of the way and tried to put some more ideas into this Bill and thereby created a bare's nest.

“ Sir, if I wanted to introduce a Bill of this kind, introduced some changes, Sir, I would have given adult franchise immediately. What place is better suited for the introduction of adult franchise than the City of Madras? Why should not the Government introduce adult franchise and thereby give a quietus to all the fears entertained by Dr. John. If there had been adult franchise, Sir, all the troubles envisaged by Dr. John would not arise. The

[Sri R. Suryanarayana Rao] [25th April 1947]

troubles arise because the votes are conditioned on certain circumstances which are not possessed by all voters. This City would have been the best place for the functioning of adult franchise. Secondly, Sir, which place is better suited than Madras City to try the system of proportional representation as a solution for communal representation? Sir, if proportional representation had been introduced and adult franchise had also been granted, every community would have secured representation according to its strength, they would get representation according to the adult population each community has. I wish, Sir, they had done that also. Otherwise, Sir, they could have merely introduced a provision increasing the number of Councillors in view of the extended City limits. Then, Sir, I do not know why the Ministry is so anxious to placate these vested interests like the Chambers of Commerce and now, Sir, the Piecegoods Merchants' Association also have found recognition."

THE HON. MR. DANIEL THOMAS :—" That was in the old Act."

* SRI R. SURYANARAYANA RAO :—" I do not know what new interest has come to be represented by these six Councillors."

THE HON. MR. DANIEL THOMAS :—" The Muslim Chamber of Commerce."

SRI R. SURYANARAYANA RAO :—" I do not know, Sir, so long as each division is represented by a Councillor, why these special interests should find representation in the Council. I do not understand what is the contribution these bodies specially make, Sir, for civic problems. What other interests have they apart from the interests of ordinary citizens, ordinary voters in the City, Sir? I think, Sir, I am not sure, nowhere in the world this special representation is given to such special interests in a Municipal Council. I am yet to know of it, Sir."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" I may tell the hon. Member, Sir, as a point of information that such representations are given in places like Leeds, Manchester and Sheffield in England."

THE HON. MR. DANIEL THOMAS :—" We have also such a system here in Bombay."

* SRI R. SURYANARAYANA RAO :—" I am sure, Sir, if a Bill is brought forward to amend the Liverpool Municipal constitution people will not hesitate to say that these special interests have no business to secure special representation. What is the extra contribution these special interests make for the good of this City? After all, Sir, they will be all voters. They will have a voice in returning the Councillors in the divisions in which they live. Why should they have special representation, Sir? I feel, Sir, that this Bill has created a large number of difficulties about some of which I think my hon. Friend, Dr. John, gave expression to. Sir, indirectly Dr. John was pleading for separate electorates. I do not know why he did not directly say so."

25th April 1947]

DR. V. K. JOHN :—“ No, Sir. Far from it. I did not plead for communal electorates at all.”

MR. PRESIDENT :—“ That is only a commentary upon your speech.”

* SRI R. SURYANARAYANA RAO :—“ I thought, Sir, that was the impression produced on the Chair, when you congratulated Mr. Jagannatham for securing a champion of his views in Dr. John.”

MR. PRESIDENT :—“ Do not take me seriously. Dr. John says that he did not mean it.”

DR. V. K. JOHN :—“ I only said that if communal electorates are granted, this is not the way to do it. This is not effective. This is only representation for the majority community.”

* SRI R. SURYANARAYANA RAO :—“ I do not propose to move the amendment standing in my name. Sir, I shall refer to it now only. I have suggested an amendment which the Hon. the Minister for Revenue has accepted in all the Bills in the Select Committee of which he was the Chairman. That is when a notification is to be made, it should be placed before both the Houses to secure their approval. Here is a provision, Sir, by which the Provincial Government may, by a notification, increase or reduce Councillors. By this they are taking to themselves, Sir, power which is dangerous to be allowed to be exercised by the executive Government. Unless such a notification is placed before both the Chambers of the Provincial Legislature and the approval of the Chambers obtained, I do not think it is a democratic procedure. The provision made by Hon. Minister for Revenue is a good feature and I wanted to congratulate him when his Bills come up. But since I find him in the House now, I congratulate him on being so accommodating and on recognizing that the voice of the Legislature in such vital matters should have to prevail as this is a vital matter. To-morrow the Hon. Mr. Chandramouli may take it into his head to reduce 65 divisional councillors to fifty because he has taken powers to reduce or increase the number. To do that without reference to the Legislature is very dangerous and that provision is very dangerous. I am very sorry the Hon. Daniel Thomas introduced it and Mr. Chandramouli is only fathering it. I wish these powers were exercised subject to the Legislature. Even now it is not too late. After all this Bill can wait for the next session. I suggest that he accepts my amendment so that the Bill may go to the other House and he might get credit as the Hon. the Revenue Minister has got.”

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Mr. President, the Hon. Minister while introducing the Bill stated that the intention of the Bill was to bring the Muslim community into line with the Scheduled classes. I cannot really understand what he meant by that statement.

“ The other day when the District Municipalities Amending Bill was under discussion before this House, we, the members of

[K. T. M. Ahmed Ibrahim Sahib Bahadur] [25th April 1947]

the Muslim League Party, pointed out our grievances. We also felt that our voices would be a cry in the wilderness as none of our amendments was accepted. Since this Bill is framed on the same lines and since we know what would be the fate of any amendments that we might give notice of, we have not tabled any amendment. That does not mean that we agree with the provisions of the Bill. But we thought that it would be enough if we just mention our grievances and put forth our objections to some of the provisions of the Bill. I am glad that Dr. John in his own inconsistent manner has pleaded the case of the Muslims so far as separate electorates are concerned. He began last time while speaking on the District Municipalities Amending Bill by espousing the cause of the Muslims for separate electorates and ended with a complete denunciation of the case for separate electorates for Muslims. But this time he has explained his case better and I am, therefore, thankful to him. Moulana Muhammad Ali stated that the persons elected from the general electorate would be men of straw; Dr. John has used an equally strong word; he has called them dummies. I am glad it is quite correct. Muslims returned through the process of reservation of seats in a ward where Muslims are not in a majority would be only representatives of the majority that returned him and by no stretch of imagination can such a person be called a representative of the Muslims. The person elected would naturally reflect only the views of the majority in that ward and not those of the Muslims who form the minority. It is only on this ground that we have been pleading for the introduction of separate electorate in district boards and municipalities. We are having the system of separate electorate so far as representation to the Legislatures is concerned and Muslim representatives are functioning quite properly. Therefore, there is no use of reserving a seat for Muslims in a joint electorate constituency especially when the majority of the voters are non-Muslims. It will be some improvement if seats are reserved in wards where the majority are Muslims and Muslims in the ward may then be able to elect their own representatives. It would have been better had the Government added a proviso to clause 4 to the effect that seats which are reserved for particular communities should be reserved in wards where the members of that community are in a majority. It would then be some slight improvement. As it is, the wards in which seats are reserved are left to be determined by the sweet will and pleasure of Government. By means of the improvement I have suggested, Muslims will be able to get representatives who will reflect the views of the community. Dr. John said again that persons who are elected from the wards in which . . . "

MR. PRESIDENT:—"I think we are concerned with what the Bill says and not what Dr. John said."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—"Dr. John said this with reference to the Bill and I have to refute some of those arguments since they are vitally concerned with the provisions of the Bill."

25th April 1947]

MR. PRESIDENT :—“ I may tell the hon. Member that we are not concerned with refuting of Dr. John. Please refute the Bill if you can.”

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ He said rightly that such persons would only represent the views of the majority community and that is why we want that Muslim representatives should be elected through the separate electorate. If it applies to those wards where seats are reserved, much more so does it apply and with greater force it applies, to representatives who would be elected through a general electorate where there is no reservation and such a person would much less represent the Muslims.

“ He spoke of Muslim wards in the City of Madras. But even there such areas have been tacked on to neighbouring areas where the Hindus are in a majority with the result that in many wards where Muslims ought naturally to be in a majority, there are Hindu majorities. I would, therefore, appeal to Government to consider the necessity of re-forming these wards so that contiguous areas where Muslims are in a majority may not be divided for political purposes in order to reduce them to a position of minority. I have mentioned some points while discussing the District Municipalities Amendment Bill and I have to repeat them here because I have been receiving representations from almost all the districts about these grievances, from which the Muslims of the Province are suffering. Dr. John spoke of panels and we know what the experience of the Scheduled classes is, from what Mr. Jagannathan and others feel about them.”

MR. PRESIDENT :—“ I wish you confine your remarks to the Bill and deal with the Bill. As it is, it does not speak of panels. Please excuse me if I have to be stiff in this matter. We have not much time before us.”

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ These are the main points on which we, the Muslims, are very much interested. First, we want that separate electorate should be provided for the Muslims, secondly even where reservation is provided the seats reserved for them should be in wards where Muslims are in a majority and thirdly, there must be a re-division of wards so that natural division may be restored and Muslims may not be split up.”

* MRS. MONA HENSMAN :—“ Mr. President, I will not take much time for I will not attempt to review any of the allegations or assertions or statements that have been made by certain hon. Members regarding my sex.

“ But, Sir, I would say that a very grand future has been forecast for us, women, by the hon. Member who spoke first. He said there was no necessity for reservation of seats for women, because if a woman sets up a claim, a woman well-dressed and with a sweet smile—any man would stand out for her. I will bear this in mind at the next election for my particular seat or for the hon. Member's seat for the Council—by his fish-pond, around his house.

[Mrs. Mona Hensman]

[25th April 1947]

near his flower beds, and on his cement walk, members of my sex, chosen for their beauty, wit and eloquence will wait on Dr. John, in order to persuade him to give up his seat and his vote and you may be sure that Dr. John will not sit again in this House in his own right."

MR. PRESIDENT:—"I am not sure if he would not like the bevy in his house; he would prefer it to sitting in this House."

* MRS. MONA HENSMAN:—"They would all be young and beautiful and Dr. John and I will sit and admire them from the veranda and gallery."

"Again a suggestion was made that women would be dummies but I join issue with him in that opinion. Really, it is the other way about and women are bringing to bear a dynamic view of things. So, it will not be quite as he said. Again, I see that four seats have been reserved for women out of a total of 66 seats, which works out to one woman's seat for every 16½ men. I stand by arithmetic and not anything else and this proves that in this Province one woman will be counted equal to sixteen and-a-half men."

"I shall close my remarks with a congratulation to the Government on clause 6 of the Bill, which foretells what the future holds for us. This is the first time that I have seen in print in any Bill or Resolution recommended to a Legislature in this country that elections should be on a basis completely void of sex distinctions and of communal distinctions. The candidates would know the people in their wards and we, the electors, would know who are the people who deserve support and that is guaranteed in addition the seats reserved for the different sections. This is a section which enables us, women, to choose those people whether men or women of whatever community they may belong, in addition to the seats reserved for us. I must congratulate the Hon. Minister on having introduced this provision in the Bill which will bring us all into very much closer unity and of finding out who are the best people irrespective of the other divisions that this Bill has for the present put forward. I say 'for the present' advisedly. I think that the former Bill was very, very bad and poor and this is certainly many steps better and this clause 6 points the way to something better still that we would attain in the not too distant future for distinctions of all kinds must be removed in order that unity may be established in our Province and the Country."

4-45
P.M.

THE HON. MR. DANIEL THOMAS:—"Mr. President, Sir, I would just mention to you, and through you to this Council, that this bill is a necessary and a salutary piece of legislation. Somewhere in 1933, a committee was appointed by the Government which contained many eminent men to go into the question of the Madras City Municipal Act. The committee consisted of persons like Sir A. Ramaswami Mudaliyar, Swami Venkatachalam Chetti and several other distinguished public men of this Province. It was therefore plain that in the City Corporation all minority communities should be represented by reservation of seats. That report was not immediately put into legislation so far as the Madras City Municipal Act was concerned. The recommendations of the

25th April 1947.]

[Mr. Daniel Thomas]

committees were adopted in the provisions of the District Municipalities Act. In 1934 a Bill was brought into the statute book whereby reservation of seats was made for Indian Christians, Muslims, Adi-Dravidas and women in joint electorates for all the district boards of the Province. That system has been working very satisfactorily for the last 12 years. So far as Madras was concerned, it was thought desirable that this provision should be included in the City Municipal Act. India is a country of all communities and classes. These minority communities are now conscious of their position as minorities. I submit the Congress party and the Congress Ministry are anxious to safeguard and protect the interest of the minority communities. It was said that representatives elected by joint electorates from minority communities were not really representative. I absolutely repudiate that suggestion. There are many municipalities in this Province, and hundreds of members have been elected by joint electorates to represent Indian Christians, Muslims and Adi-Dravidas. I would submit the records of municipal administration and local boards for the last 12 years will belie the suggestion that has been made that those representatives are not the real representatives of the community. (K. Uppi Sahib Bahadur: Question.) Of course members represent not only their own community, but that particular area also. I submit the object and purpose of reservation of seats for certain communities in these areas is not that there should be different and there should be communal representation for these communities, but that people of these seats should be associated with the administration of these bodies. For example, from 1941 onwards, in the Madras City Corporation, there has been no woman. I submit that the present Bill makes such a position impossible. The object and policy of the Bill is that Government are anxious that representation for minority communities should be given, but that representatives of minority communities should represent not only their own communities but the particular area also. They should work together in union for the civic welfare of the entire people of the area.

" One more word, and I shall finish. My hon. Friend, Dr. John, said that the number of members provided in this Bill was too large, and that as a matter of fact, it should be less. The City of Bombay with 15 square miles has over 100 members. Our old Madras was 13 square miles in area. Now we are raising it to 50 square miles. Moreover he said, that the largeness of the number should be an obstruction. As a matter of fact, there are a number of standing committees and each standing committee has a right to opt out by letting in particular interests. For example, if there is a committee in charge of education, it can take in as members of the standing committee, members of private institutions. I would therefore submit the enlargement of the numbers is a very desirable and satisfactory feature of the present Bill, and it is not at all clear how it will clash with the competent discharge of the executive functions of that body. I would therefore submit that so far as that provision is concerned, namely, enlargement of

[Mr. Daniel Thomas] [25th April 1947]

the Council, and the representation of minority communities, I submit both are desirable features. I no doubt agree that reservation of seats for minorities, and reservation of seats for certain classes such as women is not ideally desirable. But we are not living in an ideal country. Therefore, so long as the committees are there, I would submit that it is desirable that that provision should be made. Recently even in the United Provinces a similar provision providing reservation of seats for minority communities by joint electorates was brought before the Legislative Assembly."

* K. UPPI SAHIB BAHADUR :—" Mr. President, Sir, but for the speech of the Hon. Mr. Daniel Thomas, I would not have taken part in this debate." (Laughter.)

MR. PRESIDENT :—" It is unfortunate."

K. UPPI SAHIB BAHADUR :—" Even this learned gentleman, after experience as a mufassal member and as the Chairman of some representative bodies, has to admit that reservation of seats for the minority communities is absolutely necessary. I thank the Hon. Mr. Chandramouli for God-fathering this Bill. The father of the Bill is the Hon. Mr. Daniel Thomas. The Hon. Mr. Daniel Thomas has drawn up this Bill and left it for nursing to the Hon. Mr. Chandramouli. This Bill is really a step in the right direction. Mr. John has given expression to some feelings for which we are thankful to him. He is true to himself. He is true to realities to-day. He had been advocating in a general way the necessity of representation of minorities. But he said he is not for separate electorate. He goes half way and halts. I do not agree with him. So also the Hon. Mr. Daniel Thomas. Both these gentlemen want separate representation. Mr. Daniel Thomas belongs to a minority community. I ask Mr. Daniel Thomas 'If you are true to yourself, if you are true to this House and to India, you ought to keep the real fact before you'. The real fact is that communal representation is there in this country. You cannot by mere advices and preachings wipe it out of this land. Sir, we Muslims are branded as communalists. But, in fact, in this Presidency, it is not the Muslims that started this communalism. The Non-Brahman movement came from the Hindu section. At that time, we were Congressites believing in joint electorate. With my hon. Friend, Dr. Lakshmanaswami Mudaliyar's brother—I have great admiration for him—I had to cross words even in private talk. In those days we were all nationalists. But realities forced us to change our view. Now one cannot wipe it out of India by mere words. To-day, I have to submit to Sir A. Ramaswami Mudaliyar—I take off my hat, rather my cap—and declare that he was right and I was wrong. That is the position, Sir. I might ask Hon. Members as well as the Hon. Mr. Daniel Thomas, 'let us take facts and prove as practical statesmen'. Communalism in this country you cannot wipe out by mere preaching . . . "

MR. PRESIDENT :—" The Bill does not seek to wipe it out."

25th April 1947]

K. UPPI SAHIB BAHADUR :—“ As a matter of fact, the Bill provides for special representation for Muslims, now, Sir. But it is only half measure.”

MR. PRESIDENT :—“ You want a better thing? That has been put ably by Mr. Ibrahim.”

K. UPPI SAHIB BAHADUR :—“ I once again request Government to reconsider and have a clear Bill giving separate representation for Muslims and other communities, like scheduled classes, elected by themselves, brought forward at an early date, realising the real position of the community and not have this camouflage of communal representation and hoodwink them.”

MR. PRESIDENT :—“ Does the Hon. Minister propose to reply? ”

THE HON. SRI K. CHANDRAMOULI :—“ I will say only one or two words, Sir.”

MR. K. O. ANTHONI :—“ My community has been referred to, Sir.”

MR. PRESIDENT :—“ Your community has been amply provided for.”

MR. K. O. ANTHONI :—“ I want to repudiate that impression.”

MR. PRESIDENT :—“ Nobody has got any impression that your community has been treated badly.”

THE HON. SRI K. CHANDRAMOULI :—“ Mr. President, Sir, I am sorry to say that a gentleman like Dr. John should put forward self-contradictory suggestions, one following the other, without bringing or giving any helpful suggestions. He advocated that the Corporation Council should be composed of a small number of people. At the same time he wanted representations to be given to each and every profession. This cannot be done. Secondly, I can say one thing to Dr. John regarding the executive functions. So long as there is the Commissioner, so long as there are committees, the Corporation is also expected to carry on the executive functions. They are there to formulate certain policies. So long as the civic interests of all the people are to be represented, you cannot ask a few people to sit there and represent the feelings of all the civic needs of the population. I can say that it is also contradictory to the spirit of the Bill. Then, Sir, I will say one thing regarding Muslims. The hon. Mr. Ibrahim told that reservation of seats was made where there were not Muslims in a majority. I can assure him that reservation of seats for Muslims is made where Muslims are in a majority. As for the powers taken by the Ministry under sections 13 and 14, I will say, this is only a provision for meeting an emergency and not to take wide powers. I can assure Mr. Suryanarayana Rao that every care will be taken not to abuse such powers, and that so long as the executive is there,

[Sri K. Chandramouli] [25th April 1947]

such powers are necessary; for every small thing you cannot expect us to come to the Legislature for its sanction. Then, Sir, Mr. Suryanarayana Rao has advocated adult franchise, proportional representation and other such things. I can say, adult franchise is necessary, and I assure him that that is a thing for which the Congress has always stood. As this is an emergency bill introduced to meet an emergency, only small amendments have been made in the present Bill. With these words, Sir, I commend the Bill for the acceptance of the House."

The motion was put and carried.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and clause 1 and the Preamble were put and carried.

THE HON. SRI K. CHANDRAMOULI:—"Sir, I beg to move—

'that the Madras City Municipal (Second Amendment) Bill, 1947 (L.A. Bill No. 5 of 1947), as passed by the Assembly be passed into law'."

The motion was put and carried and the Bill was passed into law.

MR. PRESIDENT:—"The House will now adjourn for tea."

A VOICE:—"May I know when we re-assemble, Sir?"

MR. PRESIDENT:—"As soon as it is over." (Laughter.)

(After tea—5-37 p.m.)

IV.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—"I have to announce to the House the following messages, dated, Fort St. George, the 24th April 1947, received by me from the Hon. the Speaker of the Madras Legislative Assembly:—

"In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Tungabhadra Project (Prevention of Speculation in Land) Bill, 1947 (L.A. Bill No. 13 of 1947), as passed by the Assembly on the 24th April 1947 and signed by me for the concurrence of the Council."

"In accordance with rule 94 of the Madras Assembly Rules I transmit a copy of the Malabar Irrigation Works (Construction and Levy of Cess) Bill, 1947 (L.A. Bill No. 14 of 1947), as passed by the Assembly on the 24th April 1947 and signed by me for the concurrence of the Council."